

Mr. Forest Cole,  
(can you please confirm that you have received my email, thank you)

Ref: Final Environmental Impact Statement (EIS) for the Ketchikan Misty Fiords Outfitter and Guide Management Plan/ Record of Decision, dated January 26, 2012

Please accept this email as our appeal – we live and operate a small business in the area and in the past have expressed interest in participating in the study. We have also made comments during the study process which have been submitted in a timely fashion. Therefore we believe we are fully qualified to appeal some of the proposals in the Record of Decision dated 26 January 2012.

We are a small family run lodge / guide service located remote from the road in Naha Bay. This is our home as well as our business. This is where we raise our two small children. If for whatever reason we cease trading, due to either regulatory restrictions or economic reasons we will lose both our home and our business and will be forced to move away from southeast Alaska. Over the last few years we have had to contend with a number of regulatory proposals which have restricted our ability to operate, or have threatened our business in its entirety. A few of these regulations are necessary and have originated from conservation concerns which we fully support, but several proposals have arisen due to politics or allocation issues. Our best defense against regulatory restrictions, especially political/allocation issues is to remain flexible and offer a wide variety of activities. Hence we offer both fishing as well as nature/cultural tours.

It has been our decision to keep our business small to reduce the impact on the surrounding resources and our neighbors. Our business model is based on providing a high level of service and flexibility to very small groups. Our group size is typically 2, 3 or 4, and occasionally we have a group size of 5 or 6. We do not have any plans to grow larger than this. To provide the maximum flexibility we offer a full lodge service along with various options for guided and non guided saltwater and freshwater fishing as well as guided nature/cultural trips to several areas dispersed throughout the area from Margeret Creek, Helm Bay, to Yes Bay, Bailey Bay, Short Bay, (and for the more adventurous) the area in and around the Unuk River.

Currently we have permits for a total of 45 visitor days for the entire season, (that's 45 days total, not 45 per day!). In time we hope "to grow" to 75 visitor days for the entire season dispersed over the same large area for our lodge guests. Assuming 4 people per group, this gives a total of less than 20 encounters per season, dispersed over a very large area. This is maximum possible number of encounters. Most times we do not see anyone else on our day trips and so our actual number of encounters will be very small even when we "have grown" to 75 visitor days per season. We do NOT have no plans to offer repetitive day trips to one

particular location. We will continue to offer flexibility to our guests to provide a vacation tailored specifically to their desires, and also (more importantly) to their physical capabilities, and in many cases to the prevailing weather which occurs during their visit. Flexibility to deal with the weather is a large part of our business model and the only way we can offer a safe experience.

We are very concerned about the proposal to stop all guided activity in Area 13 from Helm Point to Camino Point. We do not believe that this is necessary. We should also point out that this restriction was not identified in the covering letter/summary, and is only found by close inspection / reading of the data sheet for area 13. We only became aware of this proposal when we received correspondence from Forest service staff regarding our permits for 2012.

We fully understand that local residents have expressed concerns about encounters with visitors when they are visiting Helm Bay or beach combing, but the Forest Service's own data shows that these concerns are not based on actual encounters, but more likely from concerns about future growth. The maximum number of visitors to Area 13 in any one year is around 50 which would have resulted in a very low number of encounters. (say 4 people per guide, and not every trip resulted in an encounter). In conversation with Forest Service staff, the staff member thought that these concerns may have arisen due to residents seeing a large number of crab pot buoys in Helm Bay. This could very well be the case, but these crab pots belong to either other residents and/or commercial fishermen. It is highly unlikely that they belong to guided visitors. It is likely that residents see a large number of fishing boats from Bond Bay to Camino Point (on good weather days). These are a mixture of charter boats, self-guided boats and resident's boats. The sight of these boats may well have led to the concerns expressed in the study, but the proposal in the record of decision will not reduce or change the number of saltwater fishing boats along the coast from Helm Point to Camino Point. If these restrictions are put in place, they will not guarantee that a Ketchikan resident has a "wilderness experience" when they visit the area. This area is too close to Ketchikan to be considered wilderness. All these restrictions will do is guarantee that a Ketchikan resident will not encounter a visitor from out of the area. If this is the intention of the restriction it is discriminatory in its application.

We have permits to visit 3 areas in area 13 which includes Smugglers Cove and the rivers in Helm Bay. These locations enable us to offer a location for nature tours (half day) and a destination for guided freshwater fishing. We have not yet taken people to these locations, but they enable us to offer back up locations in the event that weather prevents us from running our boat north up the Behm Canal. As stated earlier, we would not expect to visit these locations more than a couple of times in any season and in some seasons we will not visit these locations at all.

We must also say that we are located adjacent to the Naha River. Restrictions prevent us from guiding on this river. We can guide to Margaret Creek. We also have permits to some river further to the north, but these rivers are very weather sensitive, and if we get a warm sunny day with a westerly wind, or a storm from the north, we cannot run beyond Traitors Cove.

Hence, losing Helm Bay as a freshwater fishing destination has a significant impact on the number of rivers we can offer to our guests. Already, this costs us business, and so to lose Helm Bay will cost us more business and realistically we will not be able to offer guided freshwater fishing to guests looking for several days of freshwater fishing.

We also have permits to visit the Hot Springs in Bailey Bay. This too will be subject to restrictions with no weekend use by guides. This also reduces our flexibility to offer nature tours as many of our groups visit us for 3 or 4 days over a weekend. (to maximize their vacation days from work). This, combined with the restrictions on Smugglers Cove prevents us from offering nature/cultural tours to people looking for a trip longer than a few days.

The loss of fishing and nature tour destinations will significantly impact our ability to offer flexibility and “back up” destinations. This will cost us fishing business as freshwater fishermen will not visit us if we cannot guarantee guided freshwater fishing for the majority of their stay. We also need several destinations to provide a full itinerary for those people looking for nature/cultural tour. As we are a very small operation, the loss of just one booking in this manner will have a significant impact on our season. This also prevents us from diversifying, which as stated above leaves us exposed to the full impact of fishing regulations, regardless of whether they are conservation based, or politically/allocation based. As stated above. If we lose our business, we lose our home.

Therefore, in the case of Area 13/Helm Point to Camino Point, we would propose that the Forest Service allows a total of (say) 75 visitor days for the area from Helm Point to Camino Point. These should be allocated on a historical basis to the guides who occasionally operate in this area, or who have previously applied for permits in this area. 75 visitor days will not have an impact on Ketchikan residents and this is fair to the guides who have already built a business plan for the occasional use of this area.

We would also request that you reconsider the weekend restriction for Bailey Bay /Hot Springs for the small number of guides which have already applied for a small number of permits to visit this area. Again, to date there is little data which suggests a high number of encounters are occurring between residents and guides at the Hot springs. Simply put, it is too difficult and too far for most guides to take people. Therefore a small number of permits can be allocated to these guides for the weekend. Permits can also be issued to guides for weekdays.

We very much hope that you take our concerns into consideration and modify your decision accordingly.

Regards

Mark & Miriam Edwards  
Naha Bay Outdoor adventures  
Lot 3, Loring,  
Naha Bay





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File Code: 1570

Date: May 3, 2012

Mark & Miriam Edwards  
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Dear Mr. and Mrs. Edwards,

This letter is in regard to the appeal you filed on the Ketchikan Misty Fiords Outfitter and Guide Record of Decision (ROD) and Final Environmental Impact Statement. Your appeal was given No. 12-10-05-0006 A215). The ROD was signed by the Ketchikan Misty-Fiord District Ranger, Jeffrey DeFreest.

There is no documentation in the planning record for the Ketchikan Misty-Fiord O/G project indicating that you submitted comments or otherwise expressed an interest in the project during the comment period. As stated in Forest Service regulations, at 36 CFR 215.13(a), and in the July 14, 2011 legal notice for this project, only those individuals and organizations who submit comments during the 45-day comment period for a project may appeal that project. Therefore, I am required to dismiss your appeal pursuant to 36 CFR 215.16(a)(6).

The District Ranger's decision in the ROD was an attempt to provide balance between the many uses and users of the National Forest. It is his best attempt at providing for both guided use and unguided use based on input gathered from months of public meetings and the analysis and more than 100 comments. Our records do show that you participated in some of those public meetings which led up to the beginning of the environmental analysis. We recognize that the decision can and will affect many permit holders, including yourselves. One reason the District Ranger chose to implement the decision in 2013 rather than in 2012, was to provide some time to work with you and other permit holders in an attempt to find workable adjustments to your operations. I encourage you to take this time to call your permit administrator and work with them to look for other locations and opportunities to provide your services. While this decision has some restrictions, it also provides opportunities and flexibility that we did not have before. I hope you contact the District soon and work together to look for ways to build your business at the level and pace you indicted in your letter.

Sincerely,

/s/ Forrest Cole  
FORREST COLE  
Forest Supervisor

cc: Jeff DeFreest

